

REMARKS

Applicant appreciates the Examiner taking another look at the case in view of the appeal and the entry of the corrective amendment to claim 7 to put claim 7 into the condition in which it should have issued originally but for an inadvertent error during prosecution. The original claims 1-20 are now allowed.

The Examiner cites Bissonnette '218 against claims 21,34 and 36. Claims 22 and 35 have been written in independent form to remove any issue of an objection to their dependency on claim 21 in view of the '218 patent. Although the Examiner has not objected to claims 22 –33 and 35 in view of the §251 rejection affecting these claims, it is hoped the Examiner will reconsider the §251 recapture rejection based on the arguments in the Appeal Brief. Putting claims 22 and 35 in independent form allows separation of the new claims in the reissue and an opportunity to focus on the 3 rejected claims based on the Examiner's contention of anticipation by the '182 patent.

The '182 patent shows a float collar C made of cement with a passage 28 through it. In the position of Figure 2 the ball 29, which is integral to the passage 28 prevents fluid from entering the casing, thus letting the casing float as it is run in the well. Pumped cement goes right past ball 29 when it is against travel stops 37. Ball 29 cannot be used to build pressure above the cement body 27. Recognizing this, the Examiner calls the wiper plug 32 the object and the top of the cement body 27 the seat.

Claim 21 has been amended to indicate the seat is in the body and around the passage and that the pressure buildup starts from where the object contacts the seat. In the '218 reference, the top of the body 27 is not a seat. Nowhere in the specification is there any discussion that the top

of body 27 is anything other than a travel stop for the wiper plug 32. The top of the body 27, when made of cement is probably a rough surface. More to the point is that the fins on the wiper plug are what makes a sealing contact with the inside wall of the casing. That seal is needed to be able to pump the wiper plug down the casing from a dropping device mounted at the surface. Any sealing done by the wiper plug is at the edge of the parallel fins and not at its bottom particularly against a rough cement surface.

Claim 21 is not anticipated by the '218 reference due to the '218 reference lacking a seat located around the passage and in the body that can accept an object to allow pressure buildup from the contact of the object with the seat. In the '218 patent the top of body 27 is not a seat. Even if it was a seat, it is not in the body and around the passage. Finally the interface where the bottom of the wiper plug hits the top of body 27 is not where a wiper plug 32 seals. Rather, the seal of wiper plug 32 is around its periphery at the extremities of the parallel fins near its upper end. Claim 21 is patentable over the '218 reference.

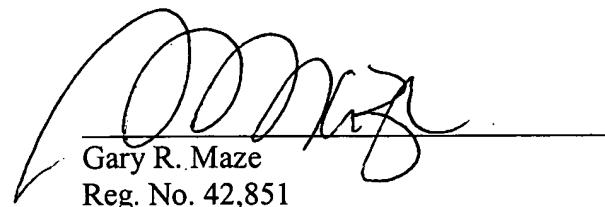
As to claim 34, body 27 in the '218 reference is cement and sets in place. Cement can't be threaded. Nowhere else in this reference is there mention of securing the body with threads. It is submitted that claims 21, 34 and 36 are all novel and unobvious in view of the '218 reference.

The Examiner has simply repeated the §251 rejection from the Final Rejection that prompted the appeal. In view of this position, the Examiner is requested to remove the '281 reference in view of this amendment and pass the file back to the Board with the sole remaining issue being the propriety of the §251 rejection. The Applicant stands on the original Appeal Brief on this point, noting that the only difference is that claim 21 has been amended and the Appeal Brief was submitted before any amendment was made to claim 21.



Respectfully submitted,

October 7, 2004

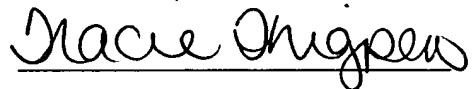


A handwritten signature in black ink, appearing to read "Gary R. Maze".

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